



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, April 26, 2005, 8:00 p.m.**

MEETING

The Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Halliday.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Quirk, Halliday, Ward, Dowling, Henson
MAYOR Cooper
Absent: COUNCIL MEMBERS None

**PROCLAMATION West Nile Virus and Mosquito and Vector Control
Awareness Week**

Mayor Cooper read a proclamation declaring the week of April 25 through May 1, 2005 as West Nile Virus and Mosquito and Vector Control Awareness Week. She encouraged residents to become aware of the threat of West Nile virus and other diseases, and the activities of the various mosquito and vector research and control agencies working to minimize the health threat within California.

PUBLIC COMMENTS

Charlene Shores announced and invited all to an upcoming anti-hate rally in downtown Hayward entitled, "Not in our Town Rally."

John Kyle, a forty-four year resident, commented on a letter he submitted to the Council related to the land use of the airport and its management.

Donald Wiggam spoke on the City's lack of representation on the forum regarding the impact of the over flights of airplanes heading to land at the Port of Oakland and expressed his disappointment as Hayward has more airplanes flying over than any other city in this county.

Mayor Cooper announced that Council Member Henson has been appointed to the Port of Oakland's Noise Management Forum.

Joe Schwirian, representing a motorcycle rights organization, thanked the Mayor and Council for the proclamation announcing May as Motorcycle Awareness Month.

Barbara Heringer-Swarr spoke on her participation in the 'opt-out' program for parents to keep the military from contacting their high school students. She reported that the Alameda County Board of Education has approved that all eighteen school districts offer 'opt-out' information to parents.

Wilson Nacario commented on his participation in the Leadership Public Schools program, a charter school and spoke on the academic achievement of students attending such programs.

CONSENT

1. Approval of Minutes of the Special Joint City Council/Redevelopment Meeting of April 19, 2005

It was moved by Council/RA Member Henson, seconded by Council/RA Member Jimenez, and carried with Council/RA Member Halliday abstaining, to approve the minutes of the Special Joint City Council/RA Meeting of April 19, 2005.

HEARINGS

2. Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 10 – Approve the Engineer's Report and Order the Setting of Collection Rates for FY 2005-06

Staff report submitted by Development Review Engineer Gaber, dated April 26, 2005, was filed.

Development Review Engineer Gaber made the staff presentation and responded to Council questions. There was discussion on the ballot process for Zone 3. City Manager Armas noted that a number of residents worked diligently to notify residents of this effort to approve the increase that will pay for improvements, and worked with staff to obtain approximate costs for improvements. There was also discussion on the survey of property owners in Zone 5.

As there were no speakers, Mayor Cooper opened and closed the public hearing at 8:29 p.m. She directed City Clerk Reyes to tabulate the ballots from the Zone 3 property owners. Council continued to deliberate on the remainder of the agenda.

At 8:55 p.m. City Clerk Reyes reported the following:

Total Assessment Ballots Cast:	<u>106</u>	
Total Assessment Ballots Disqualified:	<u>1</u>	(Ballot was signed, but not marked.)
Total YES Votes Cast:	<u>76</u>	
Total NO Votes Cast:	<u>29</u>	

The Zone 3, Prominence property owners voted to increase their annual assessments.

Council Member Halliday congratulated the neighborhood committee members for their efforts to have a successful outcome that will improve their neighborhood.

It was moved by Council Member Henson, seconded by Council Member Dowling, and unanimously carried to adopt the following:



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Resolution 05-040, "A Resolution Confirming Diagram and Assessment and Ordering Levy of Assessment for Fiscal Year 2005-2006 for Zones 1 and 2 and 4 Through 10 of the Consolidated Landscaping and Lighting Assessment District No. 96-1"

Resolution 05-041, "Resolution Confirming Diagram and Assessments, Authorizing Automatic Annual Allowance for Consumer Price Index Adjustment and Ordering Levy of Assessments for Zone 3 of the Consolidated Landscaping and Lighting Assessment District No. 96-1"

3. Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane – Approve the Engineer's Report and Order the Levy of Assessments for FY 2005-06

Staff report submitted by Development Review Engineer Gaber, dated April 26, 2005, was filed.

Development Review Engineer Gaber made the staff report. There were no questions from Council.

Mayor Cooper opened and closed the public hearing at 8:32 p.m.

It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Resolution 05-037, "Resolution Approving the Engineer's Report, Confirming the Assessment Diagram and Assessment, and Ordering Levy and Collection of Assessment for the 2005-06 Fiscal Year, Maintenance District No. 1, Storm Drain Pumping Station and Storm Drain Conduit-Pacheco Way, Stratford Road, and Ruus Lane (MD No. 1)"

4. Maintenance District No. 2 – Eden Shores Buffer Zone and Pre-Treatment Pond - Approve the Engineer's Report and Order the Levy of Assessments for FY 2005-06

Staff report submitted by Development Review Engineer Gaber, dated April 26, 2005, was filed.

Development Review Engineer Gaber made the staff report, noting there are no recommendations for increases to the assessment this year. Future expenses will occur for the maintenance of the water buffer two years after its completion, which will be at the end of the year. The treatment pond is now under the control of Alameda County and will be reimbursed for maintenance.

Mayor Cooper opened and closed the public hearing at 8:34 p.m.

It was moved by Council Member Henson, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Resolution 05-038, "Resolution Approving the Engineer's Report, Confirming the Assessment Diagram and Assessment, and Ordering Levy and Collection of Assessment for the 2005-06 Fiscal Year, Maintenance District No. 2, Eden Shores Buffer Zone and Pre-Treatment Pond (MD No. 2)"

5. Hayward Appeal of Site Plan Review No. PL-2004-0381 – Alejo Pascual (Applicant/Owner) – Bob & Brenda Jones (Appellants), – The Property is Located Between 30088 and 30100 Mission Boulevard, Near Arrowhead Way.

Staff report submitted by Associate Planner Pearson, dated April 26, 2005, was filed.

Associate Planner Pearson made the staff report, depicting the site and noting that the Planning Commission approved the project. He reported that the owners of the Peachtree office building expressed concern for their view on the north side of their building and appealed the project. Since that time there has been resolution with the applicant's project plans revised. Staff supports the changes that are minor and do not need additional review by the Planning Commission.

Council Member Henson noted the delivery of a letter from the appellant withdrawing the appeal.

City Attorney O'Toole indicated that the Council's practice is to consider the appeal regardless of the withdrawal should there be another party who might have appealed if there wasn't one filed.

Council Member Dowling asked about the size of the property and noted that a neighbor was concerned about parking downward. Staff noted that the property is 15,000 square feet and the parking area already existed and seemed to be working.

Council Member Ward recalled a similar project and asked about awnings on the proposed elevations and was informed that the windows would not have awnings, but there will be pitched roofs. He commented on the loss of view of the existing building next door. He commended the two property owners for finding resolutions to their issues.

Mayor Cooper opened the public hearing at 8:47 p.m.

Vincent Wong, architect for the project, spoke on behalf of the appellant and responded to Council questions. He also appreciated staff on this project.

Bob and Brenda Jones commended Mr. Pascual and Mr. Wong for reconsidering their requests and adjusting the architecture to harmonize with their building. Their main concern was lot levels that impacted the security of their single-story building and its aesthetic value. They suggested Planning



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staff consider and review future projects for their aesthetic value.

Mayor Cooper closed the public hearing at 8:55 p.m.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 05-039, "Resolution Denying the Appeal and Upholding the Planning Commission's Approval of Site Plan Review No PL-2004-0381"

COUNCIL REPORTS

There were no reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 8:57 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward